REMARKS

Claims 21-40 are pending in this application. No amendments have been made by way of this reply.

Rejections under 35 U.S.C. §103(a)

Claims 21, 24, 25, 28, 30, 31 and 36-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,205 (hereinafter "Cotton") in view of "*Applied Cryptography*," authored by Bruce Schneier (hereinafter "Schneier") and further in view of U.S. Patent No. 5,684,801 (hereinafter "Amitay"). This rejection is respectfully traversed.

Claims 21, 30, and 40

In rejecting the independent claims 21, 30, and 40, the Office Action dated September 19, 2008 (hereinafter "the Office Action"),

However, Applicants submit that the Office Action fails to establish a prima facie case of obviousness in combining the cited reference.

Both Cotton and Amitay teach systems using only a single transceiver system. See Cotton, Figures 2-5. For example, Cotton teaches using RF transceiver system for communication between a base station 102 and an access devices 106. Cotton discloses a registration state where the access device can register with the base station. In this state the base station reduces the output power of the RF signal so as to reduce the RF range of the base station See Cotton, Figures 8-9. When the user brings the access device closer to the base station and within this reduced RF range, the base station can register the access device while at the same time avoiding registering or re-registering devices outside the reduced RF range. Cotton also discloses an operational state where the transmitted RF signal is at a higher power level compared to that in the registration state. See Cotton, Figures 8-9. In this state the larger RF range allows the base station and the access devices to carry out normal operations. The change in the RF range is brought about by switching on and off a resistive load at the base station transmitter. In either state the same RF transmitter is employed. There is no suggestion in Cotton for using any additional transceiver systems.

Amitay also discloses a system that employs only a single transceiver system. For example, Figure 1 of Amitay discloses a WLAN with repeater 101 that includes a transceiver 120, which is arranged to detect modulated subcarrier signals emitted by portable end-user

devices and transmit those signals to portable end-user devices 102 to 110 in a collision-free environment. Amitay further discloses that the WLAN of Figure 1 can be adapted to use an IR transceiver system ***or*** a RF transceiver system for carrying the subcarrier signals. See Amitay, col. 2, ll. 24-28. Amitay then goes on to teach that for an IR based transceiver system is preferred because of the cost and security benefits of the IR based system over an RF based system. See Amitay, col. 2, ll. 57-61. Clearly, there is no suggestion in Amitay for using both the IR and RF transceiver systems together.

In contrast to the cited references, each of the rejected independent claims of the present application require that the encryption code be transmitted by a ***different*** type of transmission system than the transmission system used to transmit conference data. Specifically, the encryption code transmission is carried out over a transceiver system that uses a transmission signal that does not penetrate the walls of the room. On the other hand, the conference data transmission is carried out over a transceiver system that uses a transmission signal that is capable of penetrating walls of the room.

Returning to Cotton and Amitay, both these references, when taken separately, fail to teach two different transceiver systems—each using a different transmission signal—where one transceiver system is used for encryption code transmission and the other transceiver system is used for conference data transmission. Neither Cotton nor Amitay disclose any suggestion of using two separate transceiver systems. In fact there is no requirement in Cotton or Amitay for an additional transceiver system. Cotton solves the need for authentication using a single transceiver (RF) by reducing the power of the authentication signal. Amitay also solves the same problem using a single transceiver (IR), which according t Amitay, obviates the need for authentication. As a result, a person of ordinary skill in the art would not make the modification suggested by the Office Action to replace the reduced power signals of Cotton with the IR signals of Amitay, effectively suggesting the system of Cotton having a low power IR transceiver and a high power RF transceiver. Therefore, the rejection is based on ***improper hindsight reasoning***. Applicants submit that "any judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account only knowledge which is within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from the applicant's disclosure." *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

In fact combining Cotton and Amitay by replacing the reduced power signals of Cotton with the IR signals of Amitay, as suggested by the Office Action (See Office Action, page 3), will render the system of Cotton ***unsatisfactory for its intended purpose***. Specifically, as described before, Cotton uses a single RF transceiver for both the registration state (reduced RF power) and the operational state (normal RF power). In the operational state, the normal power RF signals are capable of penetrating the walls and communicating with devices outside of the enclosing room. See Cotton, col. 4, ll. 52-62, and submission of the Examiner on page 2 of the Office Action. Replacing the reduced power signals of Cotton with the IR transceiver of Amitay will necessarily require the single RF transceiver of Cotton to be replaced by an IR transceiver of Amitay. As a result, when Cotton's system switches to operational state, it will transmit high power IR signals ***and not*** high power RF signals. But if in the operational mode the transceiver uses IR signals (irrespective of the power), these IR signals will be confined to the room. As a result, devices outside the room, which were previously communicable with the high power RF signals, will now become unreachable by the base station—rendering the Cotton system unsatisfactory for its intended purpose.

As shown herein, the combination of Cotton, Schneier, and Amitay fail to teach every limitation of the independent claims. The additional secondary references do not teach the missing limitation. Claims not specifically addressed in this response are patentable in view of their dependency from claims that are allowable.

* * * * *

Based on the above, Assignee respectfully submits that the claims are patentable over the cited are and requests that a Notice of Allowance issue for these claims.

Respectfully submitted,

January 19, 2008

/Raymond Reese/
R. Scott Reese, Reg. No. 47,891

CUSTOMER NO. 29855
Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P.

20333 State Highway 249, Suite 600
Houston, Texas 77070
832-446-2400 (Phone)
832-446-2424 (Fax)
wcpatent@counselip.com